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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,404

01/16/2004

Gagan Puranik

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7481

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08/30/2006

EXAMINER

TAYLOR, BARRY W

VERIZON

PATENT MANAGEMENT GROUP

1515 N. COURTHOUSE ROAD

SUITE 500

ARLINGTON, VA 22201-2909

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,404

Applicant(s)

PURANIK ET AL.

Examiner

Barry W. Taylor

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/7/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. The claimed invention is directed to non-statutory subject matter. Claims 11-15 are non-statutory because the program needs to be encoded on a readable storage medium and the "carrying of sequences" also cause 101 issues.

Claim Objections

2. Claim 20 is objected to because of the following informalities: Claim 20 start out as apparatus claim but contains "the method comprising" language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-7, 9-12 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (2005/0227709 hereinafter Chang).

Regarding claim 6. Change teaches a system for transmitting assistance location information to a plurality of telemetry devices over a two-way wireless network (tile, abstract), the system comprising:

a location server configured to generate the assistance location information from a location reference network within the wireless network (see figure 1 wherein location server 170 used to provide telemetry device 160 location information obtained from a reference network 130 and 110 figure 2); and

a message server configured to broadcast the assistance location information to the plurality of telemetry devices over the wireless network (see message server "A-GPS Server" item 140 in figure 1 used to broadcast location information to telemetry device 160);

wherein the telemetry devices are configured to determine respective locations of the telemetry devices independently from the location reference network when out of coverage of the wireless network (see paragraphs 0015, 0028, 0032-0033, 0035 – 0038, 0041 wherein Change discloses that server can calculate position of mobile device or the mobile device may itself calculate its position).

Regarding claim 7. Chang teaches an Assisted-Global Positioning System (See "A-GPS Server" item 140 in figure 1).

Regarding claim 9. Change teaches server receives request for location information (abstract, paragraphs 0007, 0010 – 0012, 0014 – 0015, see well known point-to-point position service in paragraph 0022, 0026, 0028 – 0038, 0041).

Regarding claim 10. Change teaches telemetry devices are within a common zone among a plurality of zones within the wireless network (see 110 figure 1 and expanded view in figure 2 wherein plurality of zones are shown).

Method claims 1, 2, 4 and 5 are rejected for the same reasons as apparatus claims 6, 7, 9 and 10 since the recited apparatus would perform the claimed method steps.

Program claims 11, 12, 14 and 15 are rejected for the same reasons as apparatus and method claims 1-2, 4-7 and 9-10 since the recited apparatus and method would perform the claimed program steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3, 8, 13 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (2005/0227709 hereinafter Chang) in view of Diacakis et al (2004/0185875 hereinafter Diacakis).

Regarding claims 3, 8 and 13. Chang does not use schedule.

Diacakis also teaches network assisted GPS or A-GPS (paragraph 0028) wherein scheduled location updates are used (paragraphs 0017 – 0018) to verify location of an employee, as well as, increasing the accuracy of location monitoring.

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Diacakis into the teachings of Chang in order to allow companies the ability to verify locations of employees during workdays.

Regarding claim 20. Chang teaches an apparatus for obtaining location information over a two way wireless network (title, abstract and figure 1), the apparatus comprising:

means for transmitting a request for assistance location information to a location server over the wireless network, wherein the location server generates the assistance location information from a location reference network within the wireless network (see figure 1 wherein location server 170 used to provide telemetry device 160 location information obtained from a reference network 130 and 110 figure 2);

means for receiving a response from the location server over a point-to-point channel of the wireless network, the response containing the location assistance

information (see figure 1 wherein location server 170 used to provide telemetry device 160 location information obtained from a reference network 130 and 110 figure 2); and

Chang does not mention using periodic message broadcasting.

Diacakis also teaches network assisted GPS or A-GPS (paragraph 0028) wherein scheduled location updates are used (paragraphs 0017 – 0018) to verify location of an employee, as well as, increasing the accuracy of location monitoring.

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Diacakis into the teachings of Chang in order to allow companies the ability to verify locations of employees during workdays.

Regarding claim 21. Chang teaches an Assisted-Global Positioning System (See “A-GPS Server” item 140 in figure 1).

Regarding claim 22. Chang teaches the apparatus can calculate the location itself (see paragraphs 0015, 0028, 0032-0033, 0035 – 0038, 0041 wherein Change discloses that server can calculate position of mobile device or the mobile device my itself calculate its position).

Regarding claims 23. Chang does not use schedule.

Diacakis also teaches network assisted GPS or A-GPS (paragraph 0028) wherein scheduled location updates are used (paragraphs 0017 – 0018) to verify location of an employee, as well as, increasing the accuracy of location monitoring.

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Diacakis into the teachings of Chang in order to allow companies the ability to verify locations of employees during workdays.

Method claims 16-19 are rejected for the same reasons as apparatus claims 20-23 since the recited apparatus would perform the claimed method steps.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

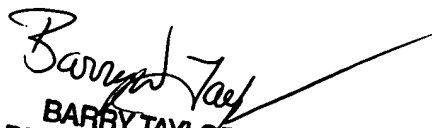
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor
Art Unit 2617


BARRY TAYLOR
PRIMARY EXAMINER